

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

BILLY JUNIOR SMITH, )  
Plaintiff, ) Case No. 7:20CV00606  
v. ) OPINION  
MARION TOWN POLICE DEPART., ) By: James P. Jones  
Defendant. ) United States District Judge

*Billy Junior Smith, Pro Se Plaintiff.*

The plaintiff, Billy Junior Smith, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 in early October 2020, alleging false arrest and imprisonment. Smith notified the court on November 9, 2020, that he had been released from jail. Therefore, Smith is no longer subject to the provisions of the Prisoner Litigation Reform Act that allowed him to pay the filing costs via installments withheld from his inmate trust account, as he had previously consented to do. A court order entered on November 9, 2020, directed Smith to submit, within ten days from that date, the filing fee owed and the applicable administrative fee, a total of \$400, or to otherwise respond to the court. Smith was advised that a failure to comply within the time limits set out in the order would result in dismissal of this action without prejudice.

The time allotted for Smith to pay the filing costs or to otherwise respond has passed, and he has failed to do so. Accordingly, I will dismiss the action without prejudice.

A separate Final Order will be entered herewith.

DATED: November 30, 2020

/s/ JAMES P. JONES  
United States District Judge